

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

RICHAUD C. TOLBERT, :  
VS. :  
KEVIN ROBERTS, et al., :  
Defendants. :  
Plaintiff, :  
VS. :  
CIVIL ACTION FILE  
NO. 1:04-CV-72 (WLS)

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**O R D E R**

Presently pending in this § 1983 case brought by a state prisoner is his Motion for a Telephone Conference/Pre-Trial Conference. The court notes that also presently pending are plaintiff's motion for a partial summary judgment as well as defendants' motion for summary judgment. Both motion has been briefed and responded to by the respective nonmoving party. Thus, plaintiff's pending motion for a telephonic pre-trial conference is at this point premature. The court will, in the very near future, consider both motions regarding summary judgment. If, after due consideration and disposition of the summary judgment motions the court determines that a telephonic/pre-trial conference is needed the same will be scheduled. Accordingly, plaintiff's motion is **DENIED**.

SO ORDERED, this 27<sup>th</sup> day of June 2006.

/s/ Richard L. Hodge  
RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE